

27 VICTORIA,  
No. 216.

Offenders against  
this Act may be  
apprehended.

Forms of pro-  
ceedings.

Infant convict  
may be assigned.

• *Sic.*

And assignment  
altered.

To be kept within  
jurisdiction of  
court.

No fee to be de-  
manded in such  
cases.

Counsel may be  
assigned.

42. For the more effectual prosecution of all offences against this Act, any person found committing any such offence may be immediately apprehended without a warrant by any constable and forthwith taken before some neighboring justice to be dealt with according to law.

43. Every information conviction mandate or warrant under this Act shall be deemed valid and sufficient in which the offence is set forth in the words of this Act; and no conviction mandate or warrant shall be held void by reason of any defect therein, provided it be alleged in such conviction or mandate or warrant that the party had been convicted of such offence.

44. In every case in which any person being under the age of sixteen years has been or shall hereafter be convicted of felony or misdemeanor, the Supreme Court of Victoria or any judge thereof may, upon the application of any person who may be willing to take charge of such infant and to provide for his or her maintenance and education, if such court or judge shall find that the same will be for the benefit of such infant, due regard being had to the age of the infant the prevention of crime and to the circumstances habits and character of the parents or testamentary or natural guardian of such infant, \*to assign the care or custody of such infant during his or her minority or any part thereof to such person upon such terms and conditions and subject to such regulations respecting the maintenance education and care of such infant as the said court or judge shall think proper to prescribe and direct. And upon any order for that purpose being made and so long as the same shall remain in force, the same shall be binding and obligatory upon the father and upon every testamentary or natural guardian of such infant; and no person shall be entitled to use or exercise any power or control over such infant which may be inconsistent with such order of the court or a judge. Provided always that the Supreme Court may at any time rescind such assignment or from time to time rescind alter or vary any such terms or conditions or such regulations as to the said court may seem fit; and provided also that the court shall and may award such costs as to it may seem fit against any such person who shall make such application as aforesaid, if such application shall not appear to the court well founded; and such costs shall be payable to any parent who shall oppose such application.

45. In every case it shall be a part of the terms and conditions last aforesaid upon which such care and custody shall be assigned that the infant shall not during the period of such care and custody be sent beyond the seas or out of the jurisdiction of the Supreme Court.

46. No fee emolument or reward whatsoever shall be demanded or taken by any officer or minister of the Supreme Court for any matter or thing done in the said court or by or before a judge thereof in pursuance of the provisions of the two last preceding sections. And upon the making or opposing of any such application, it shall be lawful for any judge of the said court to assign counsel learned in the law and to appoint an attorney of the said court to advise and carry on or to oppose such application, who are hereby required to do their duties therein without fee or reward.

47. Nothing herein shall affect or shall in any manner interfere with the execution of the sentence which may have been passed upon such infant on his or her conviction.

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Execution of  
sentence not to  
be affected.

SCHEDULES.

THE FIRST SCHEDULE.

Section 2.

Date.	Title of Act.	Extent of Repeal.
13 Vict. No. 21...	<i>“ An Act to provide for the care and education of infants who may be convicted of felony or misdemeanor ”</i>	The whole.

THE SECOND SCHEDULE.

Section 19.

(To WIT) To the Keeper of the gaol at the said colony. and in

justices of the Supreme Court the said court and others Her Majesty's justices of the peace in and for the said colony

[If “convicted”]  
for that [here state the substance of the offence] and is now here sentenced by us to be imprisoned in the said gaol for the space of

[If “neglected”]  
and charged with being a neglected child for that she did dwell with a person known to be a thief [or as the case may be]

[If “imprisoned”]  
for that the said A.B. is now imprisoned in the said gaol under a sentence of which six months are unexpired

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## THE THIRD SCHEDULE.

Section 25.

(To Wit) BE it remembered that on the \_\_\_\_\_ day of \_\_\_\_\_ complaint was made before one of Her Majesty's justices of the peace in and for \_\_\_\_\_ by M.P. that A.B. of \_\_\_\_\_ in the said \_\_\_\_\_ [butcher] was the parent [or step-parent] of E.F. an inmate of the reformatory [or industrial] school at \_\_\_\_\_ in the said colony and was of sufficient ability to contribute to the support of the said inmate and now at this day &c. [state the appearance or non-appearance according to the usual form down to] do adjudge the said A.B. to be the parent [or step-parent] of the said child and of such ability as aforesaid And we do further adjudge the said A.B. to pay to the clerk of petty sessions here for the time being the sum of \_\_\_\_\_ for costs forthwith And we do further adjudge the said A.B. to pay to the said clerk the sum of \_\_\_\_\_ on [Monday] next and the same amount on every succeeding [Monday] and if the said weekly sum be not paid as aforesaid or if the said costs be not paid forthwith [proceed as in common orders].

Section 26.

## THE FOURTH SCHEDULE.

(To Wit) BE it remembered that on the \_\_\_\_\_ day of \_\_\_\_\_ last [proceed as in the Fifth Schedule to the \*] and on the \_\_\_\_\_ day of \_\_\_\_\_ last complaint was made before one of Her Majesty's justices of the peace in and for \_\_\_\_\_ by M.P. a person duly authorised in that behalf that the said A.B. was of sufficient ability to contribute a larger sum to the support of the said E.F. and now at this day &c. [state the appearance or non-appearance as usual down to] do adjudge the said A.B. to be of sufficient ability to contribute a larger weekly sum as aforesaid and do increase the same to the weekly sum of \_\_\_\_\_ in lieu of the weekly sum first hereinbefore mentioned.

Given under &amp;c.

Section 28.

## THE FIFTH SCHEDULE.

(To Wit) To [constables &amp;c.]

WHEREAS on the \_\_\_\_\_ day of \_\_\_\_\_ last two of Her Majesty's justices of the peace in and for \_\_\_\_\_ did by an order under their hands and seals adjudge A.B. of [butcher] to be the parent [or step-parent] of E.F. an inmate of the reformatory [or industrial] school at \_\_\_\_\_ in the said colony and also to be of sufficient ability to contribute to the support of the said inmate and by the same order did adjudge the said A.B. to pay to the clerk of petty sessions at \_\_\_\_\_ in the said colony for the time being the sum of \_\_\_\_\_ for costs And they did further adjudge the said A.B. to pay to the said clerk the sum of \_\_\_\_\_ on [Monday] then next and the same amount on every succeeding [Monday]\* and did order that if the said weekly sum should not be paid [as in order] [And whereas on the \_\_\_\_\_ day of \_\_\_\_\_ last two of Her Majesty's justices of the peace in and for \_\_\_\_\_ did by an order under their hands and seals lessen [or increase] the said weekly sum to the weekly sum of \_\_\_\_\_] And whereas it has been this day duly proved before me the undersigned one of Her Majesty's justices of the peace in and for \_\_\_\_\_ that on [Monday] the \_\_\_\_\_ day of \_\_\_\_\_ last the sum of \_\_\_\_\_ was due and payable by virtue of the said order for [ten] weeks ending on that day and then last elapsed and is still in arrear These are therefore [proceed as in ordinary warrant of distress or commitment].

# NEGLECTED AND CRIMINAL CHILDREN (AMENDMENT).

## ANALYSIS OF CONTENTS.

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## An Act to amend the Law relating to Neglected and Criminal Children. [24th December 1874.]

**BE** it enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows :—

1. This Act may be cited as "*The Neglected and Criminal Children's Amendment Act 1874*," and shall be construed with and read as part of "*The Neglected and Criminal Children's Act 1864*" hereinafter referred to as the "Principal Act."

2. In the construction of this and the Principal Act the word "inmate" shall be deemed to include and apply to any child in respect of whom a "mandate" may have been issued whose period of detention shall not have expired or who is licensed out or boarded out or who has been re-committed or who has not been duly released.

3. Notwithstanding anything contained in section three of the Principal Act the Governor in Council may authorize any industrial school to be occupied by both males and females under the age of six years.

4. The Inspector-General of Penal Establishments or Deputy or Assistant Inspector-General or such other fit person or persons as may be necessary may be appointed Inspectors of Industrial and

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No. 495.

Reformatory Schools, and every person when so appointed may exercise all the powers and duties conferred upon the superintendents teachers and officers by this and the Principal Act.

Appointment of  
temporary deputy  
or assistant  
inspector.

5. In case of the absence on leave illness or temporary incapacity of any inspector of industrial and reformatory schools for the time being the Governor in Council may appoint some fit and proper person to act in his stead, and may when it shall seem expedient appoint a deputy or assistant-inspector, and every such person when so appointed shall have and exercise all the powers and duties of the Inspector of Industrial and Reformatory Schools.

Immoral or de-  
praved child may  
be sent to re-  
formatory school.

6. Any "neglected child" as mentioned in section thirteen of the Principal Act who in the opinion of the justices appears to have been leading an immoral or depraved life may be sent forthwith to a reformatory school instead of to an industrial school.

No child to be  
received into any  
industrial school  
unless security  
be shown on  
mandate to have  
been given.

7. No child adjudged to be a neglected child under the description contained in sub-section (v.) section thirteen of the Principal Act shall be received into any industrial school unless the mandate issued in respect to such child sets forth that the security mentioned in the said sub-section has been given.

Age of "con-  
victed" child.

8. Section sixteen of the Principal Act shall apply to any child "convicted" being a boy or girl under the age of seventeen years.

Age to which  
children may be  
detained.

9. A "Mandate" as provided in section nineteen of the Principal Act may authorize—

- (i.) The detention of a "neglected child" until the age of sixteen years but not afterwards, and
- (ii.) The detention of a "convicted" child until the age of seventeen years but not afterwards.

Parent to include  
putative father.

10. In the construction of section twenty-four of the Principal Act the word "parent" shall be deemed to include and to apply to any person against whom an order of affiliation has been made.

Recovery of  
arrears.

11. Any parent or step-parent liable to contribute to the support of any inmate under section twenty-four of the Principal Act, who by reason of being unable to be found or being absent from the colony has not been summoned, shall on being summoned and an order for contribution made be liable to pay any sum found to be due for maintenance computed at a rate not exceeding Ten shillings per week for each and every week from the date of the mandate ordering the detention of such inmate and for which maintenance has not been paid.

Re-committal of  
neglected chil-  
dren whose term  
expired before  
they attain six-  
teen years of age.

12. Any "neglected child" who has been dealt with or who may hereafter be dealt with under this or the Principal Act and whose term of detention shall expire before he attains the age of sixteen years may be brought before two or more justices, who in their discretion may issue a mandate directing the further detention of such child until he attains the age of sixteen years. The period for which a child is so again sent to an industrial school shall be deemed to be a continuation of the latter half of his original term of detention.

Act No. 216 s. 23.



13. Subject to such regulations and conditions as the Governor in Council shall from time to time make all children who have become or may become inmates of industrial schools may be boarded out for any period or periods not extending beyond their term of detention.

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No. 495.  
Children may be boarded out.

14. Any child boarded out from an industrial school who shall abscond from the person with whom he is placed, or who shall neglect or refuse to return to the said school at the expiration of his term of boarding out, the term of his detention not having expired, or when required to do so by the Chief Secretary shall be held to have absconded from the said school and be liable for the punishment on conviction provided for in section thirty-nine of the Principal Act.

Penalty on boarded out child absconding.

15. Any person who shall directly or indirectly withdraw from or counsel or induce any child licensed out or boarded out to abscond from the person to whom he is licensed or with whom he is boarded out before the expiration of his period of service or boarding out, or who knowing any such child to have been so withdrawn or to have so absconded shall harbor or conceal or assist in concealing such child or prevent him from returning to such person with whom he is placed or to any industrial or reformatory school, shall on conviction thereof forfeit and pay any sum not exceeding Ten pounds or may be imprisoned for any time not exceeding fourteen days.

Penalty for withdrawing harboring or concealing licensed out or boarded out children.

16. Any person who shall ill-treat or who shall neglect to discharge his duty towards any child who is licensed out or boarded out with such person may be summoned to appear before two or more justices, and upon conviction shall be fined by the said justices any sum not exceeding Ten pounds or may be imprisoned for any time not exceeding fourteen days.

Ill-usage of licensed or boarded out children.  
Act No. 198 s. 15.

17. The Chief Secretary or some person appointed by him in that behalf shall have the like powers of binding by indenture any inmate of an industrial or reformatory school as are by the Act number CXCIIL. or any amendment thereof vested in the person or persons who shall have the control or management of any orphan school. The provisions of the said Act or any amendment thereof with reference to the age at which the persons to whom and the period for which orphan apprentices may be bound and all other provisions which may apply to such orphan apprentices shall equally apply to apprentices from industrial and reformatory schools.

Inmates may be apprenticed.

18. The wages or earnings due by any person to any inmate who may have been licensed out may be sued for and recovered by any person the Chief Secretary may appoint in writing for that purpose.

Recovery of wages of children.

19. Notwithstanding anything contained in section thirty-three of the Principal Act the whole or any portion of the wages or earnings of a child who is licensed out may be lodged to the credit of such child in any Post Office Savings Bank. All expenses incurred in consequence of the ill-behaviour or misconduct of any such child may when so ordered by the Chief Secretary be defrayed from the child's earnings or wages.

Wages or earnings of licensed child to be paid into Post Office Savings Bank and to be subject to expenses.

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No. 495.

Regulations to  
be made.

20. The Governor in Council shall make regulations and conditions for generally regulating the apprenticing licensing out and boarding out and for the deposit of the wages or earnings of children, and shall have power to amend alter or rescind such rules from time to time. The rules regulations and conditions already made by the Governor in Council as to licensing out and boarding out shall be deemed to have been made under and by virtue of the authority of this Act.

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END OF SECOND VOLUME.

N  
345-945  
VIC

42 VICTORIA,  
No. 626.

As to  
absconding.

“take charge of and who may be qualified to provide for and take care of such inmate or inmates for any term not exceeding the unexpired portion of his or her term of detention unless sooner called upon by the Chief Secretary to return to the said school, and to require any such inmate to return to the said school at any time during the said term unless he or she shall have been previously discharged as aforesaid. And any such inmate who shall abscond from such service during such term or shall neglect or refuse to return to the said school at the expiration of the said term or when required as aforesaid shall be held to have absconded from the said school.”

Exact period of  
detention to be  
shown in  
mandates or  
orders.

5. No mandate or order issued or made after the coming into operation of this Act shall be of any force or effect unless the exact term (showing the years or months) during which the child named therein is to be detained in any reformatory or industrial school is clearly set out and specified in such mandate or order.

Term of  
detention of  
child may be  
extended.

6. It shall be lawful for the Governor in Council in all cases where it may seem right so to do to extend the term of detention specified in any mandate or order already made or to be made until the child named therein shall have attained the age of eighteen years and such child shall be detained accordingly, and shall be deemed an inmate within the meaning of section 2 of the Act No. 495.<sup>(a)</sup>

Inveigling child  
misdemeanor.

7. If any person for the purpose of prostitution shall inveigle or entice any unmarried female inmate who is under the age of eighteen years from any industrial or reformatory school or any house or other place where or from any person to whom or with whom she may be licensed out or boarded out placed out or be apprenticed or may reside, or if any person for such purpose shall aid or assist therein such person shall be guilty of a misdemeanor and may be imprisoned for any term not exceeding two years: Provided that no conviction shall be had under the provisions of this section on the unsupported testimony of the female so inveigled or enticed nor unless proceedings be taken within one year from the commission of the offence.

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## NEGLECTED AND CRIMINAL CHILDREN (AMENDMENT 1881).

### ANALYSIS OF CONTENTS.

45 VICTORIA,  
No. 693.

Amendment of section 10 of “*The Neglected and Criminal Children’s Act 1864*”

1887.

... .. 1

An Act for the further amendment of the Law relating to Neglected and Criminal Children.

[27th June 1881.]

WHEREAS it is expedient to amend the Act intituled “*The Neglected and Criminal Children’s Act 1864*.” Be it enacted

(a) 38 Vict. No. 495, “*Neglected and Criminal Children (Amendment 1874)*,” ante.



by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say) :—

1. In the tenth section of "*The Neglected and Criminal Children's Act 1864*" the words commencing "Every such school" to the end of the said section shall be and are hereby repealed, and in lieu thereof the following words shall be substituted and read as part of the said section, viz.:—"The amount to be granted out of the consolidated revenue to any such school shall be calculated at the rate of Five shillings per week for every child maintained in every school established in accordance with the provisions of '*The Neglected and Criminal Children's Act 1864*' during the preceding year or any part thereof."

Section 10 of No. 216 amended. 45 VICTORIA, No. 693.

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## OLD METAL DEALERS.

[See Police Offences.]

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## PARLIAMENT (ASSEMBLY 1857).

### ANALYSIS OF CONTENTS.

	SECT.	
Repeal of parts of sections 11, 26, and 31 of " <i>The Constitution Act</i> " ...	1	21 VICTORIA, No. 12.
Who shall be qualified to be a member of Legislative Assembly ...	2	

An Act to abolish the Property Qualification required  
by Members of the Legislative Assembly.  
[27th August 1857.]

**WHEREAS** the number of persons capable of being elected as members of the Legislative Assembly of Victoria is at present unduly restricted, and it is expedient to enlarge the same: Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say):—

Preamble.

50 Vict. No. 904  
s. 2, "*Revision of Statute Law 1886*," post.

1. That so much of an Act intituled "*An Act to establish a Constitution in and for the colony of Victoria*," being Schedule I. of a certain Act of the Imperial Parliament passed in the 18th and 19th years of the reign of Her present Majesty intituled "*An Act to enable Her Majesty to assent to a Bill as amended of the Legislature of Victoria to establish a Constitution in and for the colony of Victoria*," as enacts "That no person shall be capable of being elected a member of the Assembly who shall not be legally or equitably seised of or entitled to an estate of freehold in possession for his own use and benefit in lands and tenements in Victoria of the value of two

Schedule I. of 18 & 19 Vict. c. 55.

18 & 19 Vict. c. 55.

Section 11.

**Acts of the Parliament (of Victoria) [electronic resource]**

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